

JAN SUMRALL
DISTRICT NO. 1

LARRY M. MEDINA
DISTRICT NO. 3

JOHN COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

LUIS G. SARIÑANA
DISTRICT NO. 7

ANTHONY COBOS
DISTRICT NO. 8

Interest at zero percent (0%)

AND THAT the Mayor be authorized to sign a Community Development Investor-Owned Financial Terms Contract between the City and Juan R. Garcia, and a Builder's and Mechanic's Lien Contract and Deed of Trust (With Power of Sale) between the City, Indio Construction Co., and Juan R. Garcia relating to Community Development Rehabilitation Loan Application No. H01-10-CD/IO/MP-0314.

Representative Sumrall commented that this \$216,000 zero interest CD Loan is a very considerable amount.

Ms. Debbie Hamlyn from Community Development commented that the banks will not finance any of these projects because they are not feasible. She stated there is a large amount of low-income families in this City that need low rents that are affordable for them.

Representative Medina expressed his opposition to this item.

Representative Cobos expressed his concern on losing the federal monies that we get for this program if we do not use the funding. Other Council Members commented. Representative Cobos made the motion to approve. Representative Rodriguez asked that the motion be amended to send to Legislative Review for Community Development to try to tackle the policy issues that are necessary for this. Representative Cobos agreed to the amendment.

Mr. Juan Garcia, owner of the property, was present and answered questions.

Motion made by Representative Cobos, seconded by Representative Power and carried to approve the above Resolution. Representative Medina voted in opposition.

.....
***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to accept, on behalf of the El Paso Museum of Art, a grant in the amount of \$27,500 from the Marian Apteckar Foundation and to sign any related documents. The funds are granted for salary for the position of Museum School Coordinator. No matching funds are required.

.....
***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to accept, on behalf of the El Paso Museum of Art, a grant in the amount of \$5,000 from the Moor Moleen Foundation and to sign any related documents. The funds are granted for salary for the contract position of Development Assistant. No matching funds are required.

.....
***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to accept, on behalf of the El Paso Museum of Art, a grant in the amount of \$3,000 from The Boeing Company and to sign any related documents. The funds are granted for the development and printing of a gallery guide. No matching funds are required.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to accept, on behalf of the El Paso Museum of Art, a grant in the amount of \$3,000 from The Shiloff Family Foundation and to sign any related documents. This is an undesignated gift. No matching funds are required.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of EIGHT THOUSAND THREE HUNDRED AND NO/100THS DOLLARS (\$ 8,300.00 - \$7,624 loan/\$676 grant) against the following described real property:

Lot 16, Block 4, THOMAS MANOR SECTION ONE, an Addition to the City of El Paso, El Paso County, Texas, according to the Map thereof on file in Book 12, Page 33, Plat Records of El Paso County, Texas; also known and numbered as 325 Jensen Avenue, El Paso, Texas 79915.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of SEVENTEEN THOUSAND NINE HUNDRED FIFTY AND NO/100THS DOLLARS (\$ 17,950.00 - \$16,450 loan/\$1,500 grant) against the following described real property:

Lot 7, Block 1, BEAUMONT ADDITION ANNEX, A REPLAT OF A PORTION OF LOGAN HEIGHTS ADDITION, an Addition to the City of El Paso, El Paso County, Texas, according to the plat thereof on file in Book 5, Pages 28 and 29, Plat Records, El Paso County, Texas; also known and numbered as 3829 Fred Wilson Avenue, El Paso, Texas 79904.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City of El Paso provides its notice of intent to acquire the following parcel which is required for the San Juan Parking Lot, a 27th Year (2001-2002) Community Development project:

Parcel 1: Lots 16 and 17, Block 2, Alameda Acres, 7 Hughes Subdivision

and that the Mayor be authorized to sign any right-of-entry agreements which may be required for the acquisition of this property.

.....

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign and submit a revised grant application, including all assurances and understandings therein, and related documentation for third year funding from the City of El Paso Police Department for a Underage Drinking Initiative Grant, Juvenile Accountability Incentive Block Grant funds, in the amount of \$200,000.00 to the Office of the Governor, Criminal Justice Division, the purpose of continuing efforts of the Police Department in reducing underage drinking through enforcement and public education; and that Lt. Diana Kirk be designated as the official representative of the City in connection with the grant application. Matching funds required in the amount of \$22,222.00.

That the El Paso City Council agrees in the event of loss or misuse of Criminal Justice Division Grant funds or Juvenile Accountability Incentive Block Grant funds, the funds will be returned to the Office of the Governor, CJD in full.

.....

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a User Agreement for access to public record data between the City of El Paso and Choicepoint Business and Government Services, Inc. to enable the Police Department to obtain certain types of credit, motor vehicle, driving record and similar information in connection with criminal investigations and background investigations for police applicants.

.....

Motion made, seconded and unanimously carried to move to the regular agenda.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an amendment to the contract with Hector Gutierrez, Jr., the City's legislative consultant, to extend the term of the original contract until July 31, 2002 and amending the scope of services and amending the provision regarding reimbursement of travel expenses.

Representative Sumrall expressed her concern on signing a contract with Mr. Hector Gutierrez for such a short period of time. She said the possibility of him taking another project would leave the City hanging because of the uncertainty in such a short contract. She proceeded to suggest that the contract perhaps be extended until December.

Ms. Rita Rodriguez, City Attorney, explained that the City is reviewing its legislative program not only on the state level but also on the federal level. She stated other things that will be looked into are internal and external staff requirements, reimbursement of travel expenses, etc. She added that Mr. Gutierrez will assist in the legislative program and identify the City's needs; that is when the City will decide if the services need to go out for an RFP (Request for Proposal)

Mr. Hector Gutierrez explained that he agrees with the contract and has been talking to the Mayor, CAO, and City Attorney.

Representative Medina commented that in the past he had requested that a monthly report be given to him and backup paperwork from City Staff but he has only been receiving the monthly reports from Mr. Gutierrez but no backup from City staff.

CAO Charlie McNabb apologized for the misunderstanding in the past and commented that he will make sure that backup paperwork will be provided from City staff.

Motion made by Representative Sariñana, seconded by Representative Sumrall and unanimously carried to approve the above Resolution.

.....
***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the action of City Council approving the appointment of Patricia Aduato as a member of the Transportation Policy Board from the City of El Paso, Texas, for the Metropolitan Planning Organization, for the El Paso Urban Transportation Study area, taken on January 29, 2002, is hereby rescinded.

.....
***RESOLUTION**

WHEREAS, Clint Newsome has requested to lease and use the site of the future Union Plaza Transit Terminal to hold festivals for Mardi Gras and St. Patrick's Day; and,

WHEREAS, the City Council of El Paso supports the location of such entertainment events within the Downtown and Union Plaza Entertainment District areas and seeks to enter into this Lease Agreement;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor is hereby authorized to sign, on behalf of the City, a Lease Agreement between the City of El Paso and Clint Newsome for the site of the future Union Plaza Transit Terminal for Mardi Gras and St. Patrick's Day Festivals. The site is bounded by Durango, San Antonio, Overland and Leon Streets, situated on Block 46, Mills Map.

.....
Motion made, seconded and unanimously carried to move to the regular agenda.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign an Amendment to the Master Hosting Agreement, entered on March 22, 2001, and Software License and Services Agreement, entered on March 13, 2001, between PeopleSoft USA, Inc., and the City of El Paso, to provide for additional products/services and incorporate by reference an independent Schedule to the Software License and Services Agreement.

Representative Sumrall commented that when the contract with PeopleSoft was approved, she understood that they had received everything they needed and no additional software programs would be needed in the future.

Mr. Bill Chapman, CFO, explained at that point in time they did not want to add these software programs until the existing basic programs were in place but they knew they would need them in the future.

Motion made by Representative Sumrall, seconded by Representative Cook and unanimously carried to approve the above Resolution.

.....
***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign the "Park Partner" Agreement with the following organization for maintenance and other services on City property as described in the Agreement.

Abraham Commission Company

Calendar Park

.....
***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign the "Park Partner" Agreement with the following individual for maintenance and other services on City property as described in the Agreement.

Maria Robledo

Scenic Drive Park

.....
***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Cooperative Work Study Contract between **the CITY OF EL PASO** and **RUSSELL ROY SHIRLEY** for the Arts Resources Department at the rate of \$8.26 hour, not to exceed 20 hours per week without permission from the Co-Op Coordinator. The contract period is from February 6, 2002 through February 5, 2003.

.....
***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Amendment to the Personal Services Contract for an Independent Contractor between the **CITY OF EL PASO** and **CARLOS CALLEJO** to change the time of performance.

.....
***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign Volunteer Services Agreements between the City of El Paso and **LINDA LITTLETON** and **JOSE GUTIERREZ** for the El Paso Public Library. There is no cost to the City.

.....
***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign Personal Services Contracts for Independent Contractors between the **CITY OF EL PASO** and **MARTHA CAMPOS HOGAN, VIRGINIA MILLER** and **JORGE DIEPPA** as Court Interpreters for the Municipal Court at an hourly rate of \$40.00 and partial hours after the

first hour prorated at \$10.00 per fifteen minute periods. Each Contract period shall be from February 6, 2002 through August 31, 2002.

.....
***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Independent Contract between the **CITY OF EL PASO** and the **PIATIGORSKY FOUNDATION** to perform a musical recital as part of the El Paso Public Library's public programming at the Main Library on Saturday, March 2, 2002. The total amount of the contract shall not exceed an honorarium of \$200.00.

NOTE: Resolution was revised to read "That the Mayor be authorized to sign an Independent Contract between . . ." instead of Personal Services Contract.

.....
***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Independent Contract between the **CITY OF EL PASO** and the **PIATIGORSKY FOUNDATION** to perform a musical recital as part of the El Paso Public Library's public programming at the Richard Burges Branch Library on Friday, March 1, 2002. The total amount of the contract shall not exceed an honorarium of \$150.00.

NOTE: Resolution was revised to read "That the Mayor be authorized to sign an Independent Contract between . . ." instead of Personal Services Contract.

.....
***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Independent Contract between the **CITY OF EL PASO** and the **PIATIGORSKY FOUNDATION** to perform a musical recital as part of the El Paso Public Library's public programming at the Irving Schwartz, Memorial Park, and Westside Branch Libraries on February 27 and 28, 2002 and March 2, 2002. The cost of the performances will be paid by the Friends of the Library groups from each branch library. There is no cost to the City.

NOTE: Resolution was revised to read "That the Mayor be authorized to sign an Independent Contract between . . ." instead of Personal Services Contract.

.....
*Motion made, seconded and unanimously carried to approve the Employee Suggestion Program awards for Suggestion Numbers 2076, 2085, 2094, 2095, 2096, 2097, 2098.

.....
***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor and City Council approve the Equal Employment Opportunity Plan for the City of El Paso.

Ms. Terry Bond, Director of Personnel, stated there was a correction to the Plan. She said that prior to submission of the EEOP, we will be adding the grant names, amounts and grant numbers that are affiliated with the Plan.

*Motion made, seconded and unanimously carried to approve the request for the following name(s) to be placed on the Reinstatement list in accordance with Article VI, Section 6.10-10, of the Civil Service Charter Provisions:

- A. Donna Cavender, Accountant II
- B. Michael Svoboda, Public Safety Dispatcher

*Motion made, seconded and unanimously carried to approve the following provisional appointment(s) in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

Vehicle for Hire Supervisor (1)

*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Police:

- A. Add 1.0 Police Records Specialist III GS15
- B. Delete 1.0 Police Records Specialist I GS11
- C. Add 1.0 Police Records Specialist I GS11
- D. Delete 1.0 Police Records Specialist III GS15

*Motion made, seconded and unanimously carried to re-appoint Carlos Sandoval to the Ethics Review Commission by Representative Sariñana.

*Motion made, seconded and unanimously carried to delete the appointment of Monica Gomez to the Bond Overview Advisory Committee (BOAC) by Representative Sumrall.

*Motion made, seconded and unanimously carried to appoint Raymond P. Rutledge to the Historic Landmark Commission by Representative Escobar.

*Motion made, seconded and unanimously carried to appoint Adrian Aragon to the History Museum Board by Representative Escobar.

*Motion made, seconded and unanimously carried that the following tax refunds be approved:

- A. Stewart Title, in the amount of \$691.01, overpayment of 2001 taxes.
(PID #B680-999-0010-7400)
- B. Cuna Mutual Mortgage, in the amount of \$988.41, overpayment of 2001 taxes.
(PID #C203-999-0010-1850)
- C. Cesar Cardona, in the amount of \$1,460.78 overpayment of 2000 taxes.
(PID #C741-999-0190-4000)
- D. Government Employees Credit Union of El Paso, in the amount of \$910.22 overpayment of 2001 taxes. (G738-999-0010-4900)
- E. Lone Star Title company, in the amount of \$1,423.60 overpayment of 2001 taxes.
(PID #R330-999-0080-9939)
- F. Lawyers Title of El Paso, in the amount of \$1,018.70 overpayment of 2001 taxes.
(PID #U819-999-005A-0901)
- G. Lawyers Title of El Paso, in the amount of \$3,264.98 overpayment of 2001 taxes.
(PID #V897-999-0480-2500)

- H. David Salcedo, in the amount of \$920.16 overpayment of 2000 taxes.
(PID #V927-999-0390-4500)
- I. USDA, in the amount of \$924.84 overpayment of 2001 taxes.
(PID #W140-000-006R-0900)

.....

*Motion made, seconded and unanimously carried to approve the request that the Director of Purchasing be authorized to issue Purchase Order(s) to Roche Applied Science as they are the manufacturer and the sole provider of the Lightcycler & Lightcycler Centrifuge Unit and its components.

Furthermore, it is requested that staff be authorized to negotiate, Legal to review and that the Mayor be authorized to sign any and all additional documents and/or agreements as necessary. (2002-101)

Award amount is: \$65,900.00
Funds available: 41150015-508012 TDH Grant Lab-Bioterrorism Preparedness
Grants EPA Environmental Grant Operations
Department: City-County Health & Environmental District

.....

*Motion made, seconded and unanimously carried to award Bid No. 2002-027 Airport Janitorial and Custodial Supplies

Award to: Vendor (1): Baron Chemical Co. Inc.
El Paso, TX
Item: Item 1, 10 and 11
Amount: \$22,167.50 (Estimated annually)

Vendor (2): Regal Supply & Chemical
El Paso, TX
Item: Item 4
Amount: \$1,800.00 (Estimated annually)

Vendor (3): Southwestern Mill Distributing Inc.
El Paso, TX
Item: Item 2 and 3
Amount: \$32,069.00 (Estimated annually)

Department: Department of Aviation
Funds available: 620003-503121
Funding source: Airport Operating Fund
Total amount: \$56,036.50 (Estimated annually)

The Department of Aviation and the Purchasing Department recommend award as indicated to the lowest responsive offers, by definition meeting specifications, from responsible parties.

Due to compatibility requirements, the following items need to be awarded as groups: Granite Floor Care Products Group-Items 10 and 11. All products, within each group, must be from the same manufacturer to insure total compatibility between the products with no possibility of an adverse chemical reaction occurring and for best overall results. Bids were not received on Items 5, 6, 7, 8 and 9. These items are being deleted.

This is a twenty-four (24) month requirements-type Contract for Janitorial and Custodial Supplies for the El Paso International Airport, however, this Contract may be utilized by other City departments, to meet their requirements as the need arises. There are no viable options to extend the term of the agreement.

The Contract will officially begin at 12:01 AM, February 6, 2002.

.....
*Motion made, seconded and unanimously carried to award Bid No. 2002-057 Pecan Grove Par
Development

Contractor: JC General Contractors, Inc.
El Paso, TX

Department: Parks & Recreation
Funds Available: 71150069-G7127CD0012-07636-508027
Funding Source: CD

Items: Base Bid I \$224,643.00
Alternate No. 1 \$ 10,500.00
Alternate No. 2 \$ 10,500.00
Alternate No. 3 \$ 10,800.00
Total Award: \$256,443.00

The Departments of Purchasing, Engineering, and Parks and Recreation recommend the award of this contract to JC General Contractors, Inc., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the Deputy Director for Engineering, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the Director of Public Works is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

.....
*Motion made, seconded and unanimously carried to award Bid No. 2002-043 Sea Lion Exhibit

Contractor: Dantex Construction Company
El Paso, TX

Department: Zoo
Funds Available: 31130514-PPW0057001-26280-508027
52153029-P500040-16351-508027
04250101-PMB0001250-27169-508027

Funding Source: FY 01 Quality of Life Bond Issue
Zoo Gate Operations
FY 00 COs

Items: Base Bid I: \$2,410,000.00
Base Bid I-A: \$ 2,750.00
Alternate No. 1: \$ 335,000.00
Alternate No. 2: \$ 18,000.00
Total Award: \$2,765,750.00

The Purchasing, Engineering and Zoo Departments recommend the award of this contract to Dantex Construction Company, the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the Deputy Director for Engineering, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the Director of Public Works is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

.....
 *Motion made, seconded and unanimously carried to award Bid No. 2002-059 Waste Removal & Disposal Service

Award to: Environmental Services of Texas, Inc
 El Paso, TX

Item(s): All

Amount: \$53,522.87 (Estimated annually)

Department: Various

Funds Available: Various Budgets

Funding Source: Various Sources

Total Award: \$53,522.87 (Estimated annually)

Public Works Department and Purchasing recommend award as this vendor is the single, responsive and responsible bidder meeting specifications.

This is a twenty-four (24) month contract with the City's option to extend the contract for one additional year.

.....
 *Motion made, seconded and unanimously carried to approve budget transfer BT2002-237 COMMUNITY DEVELOPMENT

This budget transfer establishes a budget for the personnel costs of the CD contract person in the Parks Department that are related to the Pecan Grove Park Construction project. The Pecan Grove Park construction is a 27th Year (FY2002) Community Development project.

Decrease	\$4,197.50	from	71150047/G7126CD000210007/508027	Construction
Increase	\$4,197.50	to	71150069/G7127CD001207636/501011	PT Temp
Decrease	\$ 260.25	from	71150047/G7126CD000210007/508027	Construction
Increase	\$ 260.25	to	71150069/G7127CD001207636/501129	FICA City Mat
Decrease	\$ 60.86	from	71150047/G7126CD000210007/508027	Construction
Increase	\$ 60.86	to	71150069/G7127CD001207636/501130	FICA Med Mat
Decrease	\$ 4.62	from	71150047/G7126CD000210007/508027	Construction
Increase	\$ 4.62	to	71150069/G7127CD001207636/501101	Unemp Comp
Decrease	\$ 126.34	from	71150047/G7126CD000210007/508027	Construction
Increase	\$ 126.34	to	71150069/G7127CD001207636/501100	Wrk's Com

.....
 *Motion made, seconded and unanimously carried to approve budget transfer BT2002-239 COMMUNITY DEVELOPMENT

This transfer establishes a budget for the personnel costs of the CD contract person in the Parks Department that are related to the design of the San Juan Placita Park Project. The San Juan Park Project is a 27th Year (FY 2002) Community Development project.

Decrease	\$3,832.50	from	71150047/G7126CD000210007/508027	Construction
Increase	\$3,832.50	to	71150069/G7127CD002107645/501011	PT Temp
Decrease	\$ 237.61	from	71150047/G7126CD000210007/508027	Construction
Increase	\$ 237.61	to	71150069/G7127CD002107645/501129	FICA City Mat
Decrease	\$ 55.57	from	71150047/G7126CD000210007/508027	Construction
Increase	\$ 55.57	to	71150069/G7127CD002107645/501130	FICA Med Mat

Decrease	\$ 4.22	from	71150047/G7126CD000210007/508027	Construction
Increase	\$ 4.22	to	71150069/G7127CD002107645/501101	Unemp Comp
Decrease	\$ 115.36	from	71150047/G7126CD000210007/508027	Construction
Increase	\$ 115.36	to	71150069/G7127CD002107645/501100	Wk's Comp

*Motion made, seconded and unanimously carried to approve budget transfer BT2002-240 COMMUNITY DEVELOPMENT

This transfer establishes a budget for the personnel costs of the CD contract person in the Parks Department that are related to the acquisition of the San Juan Parking Lot Project. The San Juan Parking Lot Project is a 27th Year (FY 2002) Community Development endeavor.

Decrease	\$2,007.50	from	71150047/G7126CD000210007/508027	Construction
Increase	\$2,007.50	to	71150069/G7127CD002007644/501011	PT Temp
Decrease	\$ 124.46	from	71150047/G7126CD000210007/508027	Construction
Increase	\$ 124.46	to	71150069/G7127CD002007644/501129	FICA City Mat
Decrease	\$ 29.11	from	71150047/G7126CD000210007/508027	Construction
Increase	\$ 29.11	to	71150069/G7127CD002007644/501130	FICA Med Mat
Decrease	\$ 2.21	from	71150047/G7126CD000210007/508027	Construction
Increase	\$ 2.21	to	71150069/G7127CD002007644/501101	Unemp Comp
Decrease	\$ 60.43	from	71150047/G7126CD000210007/508027	Construction
Increase	\$ 60.43	to	71150069/G7127CD002007644/501100	Wk's Comp

*Motion made, seconded and unanimously carried to approve budget transfer BT2002-241 COMMUNITY DEVELOPMENT

This transfer establishes a budget for the personnel costs of the CD contract person in the Parks Department that are related to the Community Strength Playground design and construction project. This project is a 27th Year (FY 2002) Community Development endeavor.

Decrease	\$4,015.00	from	71150047/G7126CD000210007/508027	Construction
Increase	\$4,015.00	to	71150069/G7127CD001807642/501011	PT Temp
Decrease	\$ 248.93	from	71150047/G7126CD000210007/508027	Construction
Increase	\$ 248.93	to	71150069/G7127CD001807642/501129	FICA City Mat
Decrease	\$ 58.22	from	71150047/G7126CD000210007/508027	Construction
Increase	\$ 58.22	to	71150069/G7127CD001807642/501130	FICA Med Mat
Decrease	\$ 4.42	from	71150047/G7126CD000210007/508027	Construction
Increase	\$ 4.42	to	71150069/G7127CD001807642/501101	Unemp Comp
Decrease	\$ 120.85	from	71150047/G7126CD000210007/508027	Construction
Increase	\$ 120.85	to	71150069/G7127CD001807642/501100	Wk's Comp

*Motion made, seconded and unanimously carried to approve budget transfer BT2002-242 COMMUNITY DEVELOPMENT

This transfer establishes a budget for the personnel costs of the CD contract person in the Parks Department that are related to the San Juan Park Design Project. The San Juan Park Project is a 27th Year (FY 2002) Community Development project.

Decrease	\$3,102.50	from	71150047/G7126CD000210007/508027	Construction
Increase	\$3,102.50	to	71150069/G7127CD001907643/501011	PT Temp
Decrease	\$ 192.35	from	71150047/G7126CD000210007/508027	Construction
Increase	\$ 192.35	to	71150069/G7127CD001907643/501129	FICA City Mat
Decrease	\$ 44.99	from	71150047/G7126CD000210007/508027	Construction
Increase	\$ 44.99	to	71150069/G7127CD001907643/501130	FICA Med Mat
Decrease	\$ 3.41	from	71150047/G7126CD000210007/508027	Construction

Increase	\$ 3.41	to	71150069/G7127CD001907643/501101	Unemp Comp
Decrease	\$ 93.39	from	71150047/G7126CD000210007/508027	Construction
Increase	\$ 93.39	to	71150069/G7127CD001907643/501100	Wk's Comp

.....
 *Motion made, seconded and unanimously carried to approve budget transfer BT2002-255 COMMUNITY DEVELOPMENT

This transfer increases the Public Service Board portion of the Mesa Terrace Project, a 27th (2001-2002) Community Development project. The PSB portion originally set up covered the 50% that would be the PSB portion of the project. This increase will cover the additional that the City contractor will do to modernize lines in the area and that cost is the total responsibility of the PSB.

Increase	\$123,273	to	71150065/G7127PS002211064/406002	Local Grt Proc
Increase	\$123,273	to	71150065/G7127PS002210064/508027	Construction

.....
 *Motion made, seconded and unanimously carried to approve budget transfer BT2002-257 HEALTH
 This budget transfer will align the Peoplesoft allocations to agree with the Texas Department of Health Bureau of Laboratories, Bioterrorism Preparedness Document No. 7460007499-2002, Att No. 14.

Increase	\$113,492.00	to	41150015/G41022206056/406001	State Grt Proc
Increase	\$ 16,164.12	to	41150015/G41022206056/501000	NonUnif W&S
Increase	\$ 469.00	to	41150015/G41022206056/501100	Wk's Comp
Increase	\$ 2,430.88	to	41150015/G41022206056/501108	POS Emp
Increase	\$ 35.00	to	41150015/G41022206056/501114	Life Insurance
Increase	\$ 1,657.00	to	41150015/G41022206056/501124	Pension Plan
Increase	\$ 1,002.00	to	41150015/G41022206056/501129	FICA City Mat
Increase	\$ 234.00	to	41150015/G41022206056/501130	FICA Med Mat
Increase	\$ 4,000.00	to	41150015/G41022206056/502215	Outside Cont
Increase	\$ 25,600.00	to	41150015/G41022206056/503112	Clinic/Md Sup
Increase	\$ 61,900.00	to	41150015/G41022206056/508012	Equip

.....
 *Motion made, seconded and unanimously carried to approve budget transfer BT2002-260 HEALTH
 This budget transfer will align the Peoplesoft allocations to agree with the Texas Department of Health Infectious Disease Epidemiology and Surveillance, Document No. 7460007499-2002, Att. No. 08.

Increase	\$6,200	to	41150015/G41021906055/406001	St Grt Proc
Increase	\$2,600	to	41150015/G41021906055/503112	Trvl
Increase	\$1,500	to	41150015/G41021906055/504201	MdScienEquip
Increase	\$2,100	to	41150015/G41021906055/508012	Clinic/Md Sup

.....
 *Motion made, seconded and unanimously carried to approve budget transfer BT2002-263 PARKS
 This budget transfer requests an appropriation to increase to fund security costs for increased facility rental revenues. Washington Park Senior Center was anticipated to close and this funds operations for the remainder of the year.

Increase	\$9,540	to	51510206/P50022216322/405020	Facility Rent
Increase	\$9,540	to	51510206/P50022216322/502212	Security Contr

.....
 *Motion made, seconded and unanimously carried to approve budget transfer BT2002-269 PUBLIC WORKS
 Public Works proposes to appropriate \$10,000 for design of Eastside Park Improvements. Funding source is FY01 2000 Issue Bond Authorization.

Increase	\$6,000	to	31130500/PPW004600726271/407001	Intrfnd Trf
Increase	\$2,000	to	31130500/PPW004601026251/407001	Intrfnd Trf
Increase	\$2,000	to	31130500/PPW004601726258/407001	Intrfnd Trf
Increase	\$6,000	to	31130500/PPW004600726271/508050	Design
Increase	\$2,000	to	31130500/PPW004601026251/508050	Design
Increase	\$2,000	to	31130500/PPW004601726258/508050	Design

.....
 *Motion made, seconded and unanimously carried to postpone two (2) weeks an Ordinance authorizing the Mayor to sign a Deed Without Warranty conveying to Vistacon, Inc., the abutting property owner a parcel of land owned by the City and consisting of 17,659 square feet, being a portion of Lots 1 through 3, Kessler Industrial District #1, El Paso, El Paso County, Texas and addressed as 1161 Kessler Drive near the intersection of Kessler and Yermoland Drives in East El Paso.

ORDINANCE 15027

The City Clerk read an Ordinance entitled: **AN ORDINANCE REPEALING ORDINANCE 013940 AND AMENDING ORDINANCE 009789, WHICH CHANGED THE ZONING OF A PORTION OF TRACT 33B AND ALL OF TRACT 33H, A. F. MILLER SURVEY #214 AND IMPOSED CERTAIN CONDITIONS, BY AMENDING THE CONDITIONS THEREOF. THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Motion duly made by Representative Sumrall, seconded by Representative Cook, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos
 NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15028

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.150 (SCHEDULE XIV, SPEED LIMITS), OF THE EL PASO MUNICIPAL CODE, TO TEMPORARILY REDUCE THE SPEED ON U.S. 85 (PAISANO DRIVE), BETWEEN REFERENCE MARKER 322+1.0850 STA. 235+10.00 AND REFERENCE MARKER 326+0.6430 STA. 423+07.34. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO MUNICIPAL CODE.**

Motion duly made by Representative Cobos, seconded by Representative Cook, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos
 NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15029

The City Clerk read an Ordinance entitled: **AN ORDINANCE PERMITTING EL PASO GOLDEN GLOVES TO USE THE CAROLINA RECREATION CENTER FROM FEBRUARY 15, 2002 THROUGH FEBRUARY 17, 2002**

Motion duly made by Representative Sariñana, seconded by Representative Cobos, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15030

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL), CHAPTER 2.92 (ETHICS REVIEW COMMISSION); SECTION 2.92.050 TO PROVIDE FOR THE REMOVAL OF BOARD MEMBERS WHO FAIL TO FILE THE REQUIRED FINANCIAL DISCLOSURE STATEMENT; THE PENALTY BEING AS PROVIDED IN SECTIONS 2.92.070 AND 1.08.010 - 1.08.030 OF THE EL PASO MUNICIPAL CODE.**

Motion duly made by Representative Cobos, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15031

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NO. 014781 TO EXTEND THE TIME PERIOD OF THE MORATORIUM ON THE ISSUANCE OF PERMITS FOR THE CONSTRUCTION OF CERTAIN OFF-PREMISE SIGNS WITH CERTAIN EXCEPTIONS.**

Representatives Sumrall, Cook, Escobar, Sariñana and Cobos expressed their concern on the period of time the moratorium would be extended.

Representative Cobos suggested that the time period be changed to 90 days, from February 26, 2002 to May 26, 2002.

Mr. Doug Hoover was present and made statements regarding the ordinance.
NOTE: Ordinance was revised to extend the time period for only 90 days.

AYES: Council Members Rodriguez, Medina, Cook, Power, Sariñana and Cobos

NAYS: Council Members Sumrall and Escobar

Absent: None

ORDINANCE 15032

Motion duly made by Representative Cobos, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15033

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION), CHAPTER 18.02 (BUILDING AND CONSTRUCTION ADMINISTRATIVE CODE), SECTIONS 18.02.108.2.9 (MECHANICAL CONTRACTORS—IDENTIFICATION OF APPRENTICES); 18.02.108.3.11 (ELECTRICAL CONTRACTORS—IDENTIFICATION OF APPRENTICES); 18.02.108.4.4 (PLUMBING CONTRACTORS—IDENTIFICATION OF APPRENTICES) AND 18.02.108.5.2 (GAS CONTRACTORS—IDENTIFICATION OF APPRENTICES), OF THE EL PASO MUNICIPAL CODE. THE PENALTY BEING AS PROVIDED IN SECTION 18.02.107 OF THE EL PASO MUNICIPAL CODE.**

Motion duly made by Representative Sumrall, seconded by Representative Cook, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
ORDINANCE 15034

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION), CHAPTER 18.02 (BUILDING AND CONSTRUCTION ADMINISTRATIVE CODE), SECTIONS 18.02.108.2.1 (MECHANICAL CONTRACTORS—LICENSES REQUIRED); 18.02.108.3.1 (ELECTRICAL CONTRACTORS—LICENSES REQUIRED); 18.02.108.4.1 (PLUMBING CONTRACTORS—LICENSES REQUIRED) AND 18.02.108.5.1 (GAS CONTRACTORS—LICENSES, BOND AND INSURANCE), OF THE EL PASO MUNICIPAL CODE. THE PENALTY BEING AS PROVIDED IN SECTION 18.02.107 OF THE EL PASO MUNICIPAL CODE.**

Assistant City Attorney Reginald Bussey explained that this ordinance would rescind ordinance #15014.

Motion duly made by Representative Sumrall, seconded by Representative Cobos, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
RESOLUTION

WHEREAS, the Building Official and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure located on the property at 8464 Roseway Drive (Rear), in El Paso, Texas, which property is more particularly described as follows:

Tract: 6, Save and Except the Westerly 159.0 feet of the Northerly 169.75 feet of Tract 6, Fruitvale Subdivision, an Addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 11, Page 36, Plat Records of El Paso County, Texas

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, John A. Jenks, Frances K. Jenks, John A. Jenks, III, and Sudie A. Jenks-Anderson, 8464 Roseway Drive, El Paso, Texas 79907-5214, record Owners, and all mortgages and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on February 5, 2002; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:

- a. That the structure located on said property is condemned as substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
 - b. That the structure is not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
 - c. The structure's certificate of occupancy is hereby revoked; and
 - d. That the structure can not feasibly be repaired.
2. That the City Council hereby orders Owners to comply with the following requirements:
 - a. That the Building be demolished within (30) days; and
 - b. That the premises be cleaned of all weeds, trash and debris within (30) days; and
 - c. That a public hearing be scheduled for April 9th, 2002, in the City Council Chambers, to determine, if the Council order has been complied with and, if not, to determine penalties; and
 - d. That the Owners of said Building are hereby ordered to comply with all requirements of the Resolution; and
 - e. The owners are advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
 - f. That upon failure of the Owners to comply with this Resolution, any mortgages, lienholder, and other persons having an interest in the property have an additional ten (10) days to demolish the Building and clean the premises of all weeds, trash, and debris; and
 3. That upon failure of the Owners to comply with this Order, the City of El Paso through its Deputy Director of Building Services shall demolish the Building and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owners of said property; and
 4. That said Owners shall become personally liable for all costs incurred by City in connection with demolishing the Building and cleaning the premises of all weeds, trash and debris; and
 5. That the costs incurred by the City in connection with the cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
 6. That upon failure of the Owners to comply with this Order, one or all of the following actions will be taken:
 - a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owners of said property, the cost of which shall be assessed as a lien against the property; and
 - b. That upon failure of the Owners to comply with this order the City Council may assess a civil penalty against the property Owners in an amount not to exceed \$1,000.00 a day for each violation or, if the Owners show that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
 - c. That upon failure of the Owners to comply with this order, the Owners may be confined in jail as permitted by state law; and
 7. That upon failure of the Owners, any mortgages or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an

action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and

8. The Owners, any mortgages, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owners and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. the affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Tom Maguire from Building Services presented the case, he answered questions, and presented pictures of the property in question.

Representative Escobar asked what the owner's response was.

Mr. Maguire responded that the owner has agreed to the demolition of the building and will try to do it within the next 30 days, if he does not demolish, then the City will do it.

Motion made by Representative Escobar, seconded by Representative Sariñana and unanimously carried to accept the department's recommendation and approve the above resolution . Representative Medina was not present for the vote.

.....
Motion made by Representative Sariñana, seconded by Representative Escobar and unanimously carried to postpone one (1) week a public hearing to determine if the property located at 10453 Chinaberry Drive in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owner of record as of 11/8/01, Elizabeth Duckworth, 10453 Chinaberry Drive and Elizabeth Duckworth, 3816 South Lamar, Apt. #404, Austin, Texas 78704, has been notified of the violations at this property.

Mr. Tom Maguire from Building Services presented the case, he answered questions, and presented pictures of the property in question.

Mayor Caballero was concerned that even though there was a lot of debris, the house looked habitable based on the pictures presented.

Representative Sariñana asked if it would not be feasible for the City to go out and clean the debris since that is what would happen eventually if the owner does not clean it up and the City put a sanitation lien on it and then see if the City can sell the property.

Mr. Maguire responded that he has not heard of any interested parties that would want to purchase the property and that he has received complaints from neighbors on how uncomfortable it is to have all the

debris next to them. He proceeded to explain that it would cost more to clean up the debris and that the structure is severely damaged.

.....

RESOLUTION

WHEREAS, the Building Official and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure located on the property at 9166 Alameda Avenue, in El Paso, Texas, which property is more particularly described as follows:

Lot: 9, Block 1, Valumbrosa Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 6, Page 23, Plat Records of El Paso County, Texas

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Gabino Aragon, 368 Mirasol Drive, El Paso, Texas 79907-4918, and Gabino Aragon, 9166 Alameda, El Paso, Texas 79907-6602, record Owner, and all mortgages and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on February 5, 2002; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
 - a. That the structure located on said property is condemned as substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
 - b. That the structure is not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
 - c. The structure's certificate of occupancy is hereby revoked; and
 - d. That the structure can not feasibly be repaired.
1. That the City Council hereby orders Owner to comply with the following requirements:
 - a. That the Building be demolished within (30) days; and
 - b. That the premises be cleaned of all weeds, trash and debris within (30) days; and
 - c. That a public hearing be scheduled for April 9, 2002, in the City Council Chambers, to determine, if the Council order has been complied with and, if not, to determine penalties; and
 - d. That the Owner of said Building is hereby ordered to comply with all requirements of the Resolution; and
 - e. The owner is advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.

- f. That upon failure of the Owner to comply with this Resolution, any mortgages, lienholder, and other persons having an interest in the property have an additional ten (10) days to demolish the Building and clean the premises of all weeds, trash, and debris; and
3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Deputy Director of Building Services shall demolish the Building and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owner of said property; and
4. That said Owner shall become personally liable for all costs incurred by City in connection with demolishing the Building and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with the cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:
 - a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and
 - b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owner in an amount not to exceed \$1,000.00 a day for each violation or, if the Owner show that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
 - c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and
7. That upon failure of the Owner, any mortgages or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
8. The Owner, any mortgages, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Tom Maguire from Building Services was present to explain the resolution, answer any questions, and presented pictures of the property in question.

Motion made by Representative Escobar, seconded by Representative Cobos and unanimously carried to accept the department's recommendation and approve the above resolution.

.....
*Motion made, seconded and unanimously carried to delete the public hearing to determine if the Council Resolution of December 4, 2001, for the property located at 6059 Deer Avenue, in the City of El Paso (legal description on file with the City Clerk) has been complied with and to determine penalties if the Council Order has not been complied with. The owners of this property, Doyal S. Henderson & Darleen E. Henderson, 549 County Line Rd., Chaparral, NM 88001 and Amada Arrieta, 1322 N. Nursery, Apt. 264, Irving, TX 75061, have been notified of the violations at this property.

.....
Motion made by Representative Medina, seconded by Representative Escobar and unanimously carried to appoint Fermin Acosta, Jr. to the Public Service Board. Representatives Sumrall and Power abstained from voting.

Representatives Sumrall and Power suggested that all the candidates should contact the City Representatives prior to getting appointed so that they can make a more informed decision since they will be constantly communicating after appointed. They commented that they were not contacted by any of the candidates.

Mayor Caballero and Representative Escobar commented that they did talk to the candidates and that their resumes and experience were very outstanding.

Mr. Fermin Acosta, Jr. thanked the council for selecting him and commented that he is very excited and willing to take the challenge.

.....
Motion made by Representative Cobos, seconded by Representative Sumrall and carried to postpone two (2) weeks the discussion on the removal of all bus bench advertising on and immediately adjacent to TxDOT rights of way to include, but not limited to Dyer, Transmountain, Doniphan, Mesa, Montana, Alameda, McRae until such time as the TxDOT ROWs issue has been clearly identified. Representative Cook voted in opposition.

Mr. Frank Azar, representing one of the affected companies, requested that Council direct the staff to meet with all the concerned parties.

Representative Cobos stated that he did not appreciate Representative Rodriguez's initiative of placing the item on the agenda before consulting him since he is the Chairman of the Sun Metro Legislative Review Committee.

Representative Rodriguez stated that the issue came up for the first time back in October and then again in December and nothing has been fixed yet.

Mayor Caballero requested that Mr. Scott make a list of all the bus benches that are a safety hazard and need to be removed.

Mr. David Escobar, Attorney, stated that he does not believe that TXDOT is uniformly applying this rule to every City.

Mr. Terry Lee Scott, Director of Sun Metro, explained that there is a mandate already in place that states that any bus benches that do not meet the standards be removed. He proceeded to explain that a 100% audit of all bus benches is being done but it's taking time due to the limited staff.

NOTE: This item was discussed with item on page 24 of these minutes - Discussion and action on bus bench franchise(s). (Representative Rodriguez)

.....
Motion made by Representative Cobos, seconded by Representative Sariñana and carried to move the following presentation by the El Paso Community Foundation to the beginning of the Regular Agenda. Representatives Medina and Cook voted in opposition.

No action was taken on the presentation by the El Paso Community Foundation and El Paso Plaza Theatre Corporation regarding a proposal to restore the Plaza Theatre as a performing arts center for El Paso.

Ms. Janice Windle, President of the El Paso Community Foundation, made the presentation and answered questions. She commented that over the years the constituents have given a lot of money in donations. She asked Council to please consider a memorandum of understanding that will ask for both parties to create a partnership and go forward with architectural plans and start the project. She proceeded to give many examples of how the Plaza theatre would be used and how beneficial it would be to the business community around the area and the whole City of El Paso.

Mr. Nestor Valencia, Vice-President of El Paso Community Foundation, stated that this is the most ambitious public private partnership program that he has ever seen. He stated the main floor has 1,500 seats, the mezzanine has 500 seats, and the balcony has 378 seats, approximately 2,400 seats in total.

Representative Cobos thanked the members of the El Paso Community Foundation for stepping in to save the building back when it was scheduled for demolition. He stated Downtown revitalization is an essential part of what people are looking at when walking or moving around downtown.

Ms. Windle explained that she feels very comfortable that the cost of the project will be between \$20 to \$26 million. She stated the El Paso Community Foundation will contribute \$12.8 million into the project.

Mr. Gary Martinez, Architect, explained that his company specializes in restoration and preservation of historical buildings. He added that they did a lot of investigation into the existing building and everything can be fixed cosmetically and the rest would be changes to adapt it to its new use.

Mayor Caballero commented that he is very proud of all the Council Members who are not territorial and not only look out for their districts but for the whole City of El Paso in general. He said they are all very supportive of the projects around town.

Ms. Jane Macon, an attorney from San Antonio, explained that what council has before them is not the final approval and commitment to finalize the partnership but the opportunity for the City to express its interest and allow the foundation to go ahead and spend \$448,000 to get additional information and come back with what needs to be done on July 1, 2002.

Representative Power commended the El Paso Community Foundation for its great work and would like everyone to see this project as a commitment because in the end the City will be contributing approximately \$14 million. He requested that the El Paso Community Foundation make sure that the estimate is very detailed and exact so that Council is not presented with any surprises.

Representative Cook asked if he could be provided with the funding options and sources.

Mayor Caballero responded that it would be provided in the presentation on July 1, 2002.

Representatives from Clear Channel, commented on the presentation.

Representative Escobar requested that the backup be provided to them in a timely manner or as things come up.

Representative Medina expressed his support of the project and commented it would provide a great amount of pride to the City more than it would profits. He also requested that backup paperwork be provided to them.

City Attorney Rita Rodriguez stated her office has already reviewed and provided input into the memorandum of understanding and it is ready for approval.

Motion made by Representative Cobos, seconded by Representative Sariñana and carried that the following resolution be moved to the beginning of the Regular Agenda. Representatives Medina and Cook voted in opposition.

RESOLUTION

BE IT RESOLVED BY THE CITY CUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Memorandum of Understanding with the El Paso Community Foundation and the El Paso Plaza Theatre Corporation on behalf of the City of El Paso and directing City staff to commence work to prepare the definitive documents required to advance the project.

Motion made by Representative Sumrall, seconded by Representative Cobos and unanimously carried to approve the above Resolution.

Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to terminate Contract No. 2000-248 with CJC Metals Co. for Salvaging of Landfills for convenience, due to the recent downturn of the economy and the fact that prices of Iron, Aluminum and Cooper have dropped. It is no longer economically feasible to operate this contract at the market prices established at the contract start. The user department was notified and new bid will be processed.

Department: Solid Waste Management

Motion made by Representative Power, seconded by Representative Escobar and unanimously carried to postpone one (1) week the discussion and action relating to the creation of a Municipal development corporation to provide educational and job training pursuant to the better jobs act.

Motion made by Representative Cobos, seconded by Representative Sumrall and carried to postpone two (2) weeks the discussion on bus bench franchise(s). Representative Cook voted in opposition.

NOTE: This item was discussed with item on page 22 of these minutes - Discussion and action on the removal of all bus bench advertising on and immediately adjacent to TxDOT rights of way to include, but not limited to Dyer, Transmountain, Doniphan, Mesa, Montana, Alameda, McRae until such time as the TxDOT ROWs issue has been clearly identified. (Representative Rodriguez)

Motion made by Representative Cobos, seconded by Representative Power and unanimously carried to approve the selected design scheme for the New History Museum, Main Library Addition, Remodel and Refurbishing and Cleveland Square Redevelopment Project as recommended by the Bond Overview Advisory Committee.

Mr. Gus Haddad, Bond Overview Advisory Committee, was present to answer any questions.

Mr. Guillermo Barajas with the Office of Public Architecture, presented and explained the design plan and commented that they are waiting for direction.

Representative Cook asked if the traffic count at El Paso Street had been looked at.

Mr. Ted Marquez from Traffic/Engineering Department responded that it has.

Mr. Ed Drusina, Director of Public Works, was present for comments and to answer any questions. Representative Power commended the committee for its great work.

Representative Sariñana stated that EPCC is already looking in to the closure of El Paso Street further down and does not see any further impact.

Ms. Carol Brey, Library Director, explained that additional parking will be required since the library gets visited a lot and it is anticipated attendance will increase.

.....
Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to refer the Road Rage Ordinance to the Police Legislative Review Committee.

Representative Cobos asked what the difference was between reckless driving and rage driving.

Commander Roy Davis with the Police Department explained the difference between both. He stated that by differentiating the two terms it would help them classify the behavior but the court will not look at it that way.

City Attorney Rita Rodriguez stated that the Ordinance would have to pass Constitutional preamble and suggested that the item be sent over to the Police Legislative Review.

.....
No action was taken on the discussion amending noise ordinance #012579 in consideration of the Union Plaza Entertainment District.

Representative Cobos explained that the Union Plaza is a designated entertainment district and there cannot be any loud music played after 10 p.m.

Mr. Clint Newsom requested that the time be extended to 2 a.m.

Ms. Rita Rodriguez, City Attorney, recommended that the item be referred to Health Legislative Review because there are individual residences involved and input from the community should be received.

Mr. Gilbert Guillen, member of Union Plaza Committee, stated that they are in full support of the Mardi Gras party. He commented that the area is not designated as an entertainment district but as a historical district.

.....
Motion made by Representative Sumrall, seconded by Representative Cook and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.44 (Stopping, Standing and Parking generally), Section 12.44.180 (Regulations pertaining to certain special situations), Subsection B.#21 of the El Paso Municipal Code. The penalty being as provided in Section 12.84.010 of the El Paso Municipal Code.

- B. An Ordinance granting a Special Privilege to the Central Business Association of El Paso, Inc., to permit temporary sidewalk vending for participating merchants within certain public rights-of-way in Downtown El Paso from February 20, 2002 through June 30, 2002. (Fee \$37.50 per location, SP-02001)

PUBLIC HEARING WILL BE HELD ON FEBRUARY 19, 2002 FOR ITEM A - B

- C. An Ordinance granting Special Permit No. SU-01018, to allow for a planned residential development on a portion of Tract 1A, O. A. DANIELSON SURVEY NO. 312, El Paso, El Paso County, Texas (an undeveloped area at the end of Whirlaway Drive, South of Double Jay Drive) pursuant to Section 20.12.040A. (Zoning) of the El Paso Municipal Code. ZONE: R-3 (Residential) Applicant: Loop 375 L.P. / Representative: Roe Engineering, L.C., 601 N. Cotton, Suite 6, El Paso, TX 79902.
- D. An Ordinance granting Special Permit No. SU-01021, to allow for a planned residential development with private streets and a gated entry on a portion of Section 44, Block 79, T & P R R COMPANY SURVEYS, El Paso, El Paso County, Texas (Bob Mitchell Drive and El Paseo Real Circle) pursuant to Section 20.12.040A (Zoning) of the El Paso Municipal Code. ZONE: R-3A (Residential) Applicant: Carefree Land Company / Representative: Atcon Engineering & Surveying, 2112 Trawood, Suite B-1, El Paso, TX 79935.
- E. An Ordinance changing the zoning of the North 54.3 Feet of the South 136.3 Feet of Tract 95 and the East 100 Feet of the North 136.3 Feet of Tract 96 and the North 16 Feet of the West 100 Feet of Tract 96 and the North 81.7 Feet of Tract 95, SUNRISE ACRES, El Paso, El Paso County, Texas (8605 Gateway Boulevard South) from C-OP (Commercial-Office Park) to C-1 (Commercial) and imposing certain conditions. The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant / Representative: Javier Martinez, 4409 Loma Casitas, El Paso, TX 79934. ZC-01066
- F. An Ordinance changing the zoning of all of Tracts 2, 3 and 5, Section 16, Block 79, Township 3, T. & P. R. R. SURVEYS, El Paso, El Paso County, Texas (southeast corner of Joe Battle Boulevard and Vista Del Sol Drive) as follows: Parcel 1, from R-3 (Residential) to C-4 (Commercial); and Parcel 2, from R-3 (Residential) to R-3A (Residential), and imposing certain conditions. The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Gateway Estates 5 Joint Venture / Representative: Atcon Engineering & Surveying, 2112 Trawood, Suite B-1, El Paso, TX 79935. ZC-01067
- G. An Ordinance changing the zoning of Tracts 10E and 10F, Block 39, YSLETA GRANT, El Paso, El Paso County, Texas (216-218 South Schutz Drive) from R-4 (Residential) to A-2 (Apartment) and imposing certain conditions. The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant / Representative: Miguel Melendez, 147 Ventura Drive, El Paso, TX 79907. ZC-01068
- H. An Ordinance changing the zoning of Tract 4-C-1, Block 25, YSLETA GRANT, El Paso, El Paso County, Texas (7441 Alameda Avenue #1) from C-1 (Commercial) to C-3 (Commercial). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Laura Chavez / Representative: Arnoldo Chavez, 4448 Slippery Willow, El Paso, TX 79922. ZC-01069
- I. An Ordinance changing the zoning of the South 55 Feet of the West 110 Feet of the East 210 Feet of Tract 24, LOMALAND, and the North 55 Feet of the South 110 Feet of the West 110

Feet of the East 210 Feet of Tract 24, LOMALAND, El Paso, El Paso County, Texas (8323 North Loop) from R-3 (Residential) to C-1 (Commercial). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Jose Gutierrez / Representative: Dick Bowen, 309 Celaya Way, El Paso, TX 79927. ZC-01070 **THIS IS AN APPEAL CASE.**

PUBLIC HEARING WILL BE HELD ON FEBRUARY 26, 2002 FOR ITEMS C- I

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

.....
Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to postpone one (1) week the Quarterly Report on Budget from Chief Financial Officer.
.....

ADDITION TO THE AGENDA

***RESOLUTION**

WHEREAS, the City recognizes a public purpose and governmental purpose in providing cultural and recreational activities for its citizens and has recognized a particular need for the youth of our community to have access to such opportunities; and

WHEREAS, the El Paso Golden Gloves Association desires to conduct a youth boxing tournament at the City's Carolina Recreation Center from February 15, 2002 through February 17, 2002; and

WHEREAS, the City desires to co-sponsor this event and make the Carolina Recreation Center available to serve as the venue for boxing tournament without rental fees; and

WHEREAS, the Mayor and City Council recognize that the City's co-sponsorship of the event would serve the public purpose and governmental purpose to provide recreational, cultural and quality of life benefits to the citizens of El Paso.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, that the Mayor be authorized to sign a Co-Sponsorship agreement for the City to co-sponsor the El Paso Golden Gloves Tournament to be held February 15, 2002 through February 17, 2002 at the Carolina Recreation Center, located at 563 N. Carolina Street, El Paso, Texas.

.....
*Motion made, seconded and unanimously carried to approve the request of Carmen G. Olvera to block of Wyoming between Brown and Noble on February 9, 2002 from 10:30 a.m. to 3:30 p.m. Approximately 50 persons and 5 vehicles will take part and 100 spectators are anticipated. Barricades must be manned according to the State's "Manual of Uniform Traffic control Devices". Permit #02-007
.....

Motion made by Representative Cobos, seconded by Representative Sariñana and carried to move the discussion on the Tax Increment Finance Districts 2 & 3 to the beginning of the Regular Agenda. Representatives Medina and Cook voted in opposition.

No action was taken on the discussion on the Tax Increment Finance Districts 2 & 3.

Representative Power commented that, after the Special Council Meeting, Council did express their acknowledgement on the need of a Visitors' Tourists' Center where tourists can stop and obtain information.

Mr. Blake Fry from the Grants Department explained the funding options and that there is 10% set aside for transportation projects under the TEA-21 Transportation Enhancement Program.

Representative Power commented that the \$1.3 million that was approved last week is still sitting out there waiting to be used. He requested that Council form a committee to explore the options.

Ms. Lisa Turner asked Council to consider the possibility of attaching the city's tourist information center to the state tourist information center and have one on the east side and another one on the west side so that it is more accessible for travelers.

Mayor Caballero commended the grants divisions for their great work.

Motion made by Representative Medina, seconded by Representative Sumrall and unanimously carried to refer this item to the Tourism Legislative Review.

NOTE: This item was the third item discussed on the Regular Agenda.

Motion made by Representative Sariñana, seconded by Representative Sumrall and unanimously carried that the City Council retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES

- A. Docket No. 2001-1586-MSW-Texas Natural Resource Conservation Commission
- B. City of El Paso v. ZBA, 02-P-01

Motion made by Representative Rodriguez, seconded by Representative Escobar and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council, during which time motions were made as follows:

Motion made by Representative Medina, seconded by Representative Cook and carried that the City of El Paso be authorized to hire professional consultant services, regarding docket number 2001-1586-MSW Texas Natural Resource Conservation Commission, as recommended by the City Attorney; and that the Mayor be authorized to sign, on behalf of the City, any related documentation.

No action was taken on the discussion of City of El Paso v. ZBA, 02-P-01

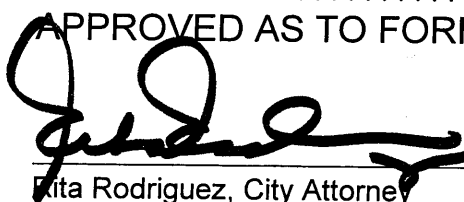
Motion made by Representative Sumrall, seconded by Representative Escobar and unanimously carried to adjourn this meeting at 1:25 p.m.

APPROVED AS TO CONTENT:



Carole Hunter, City Clerk

APPROVED AS TO FORM:



Rita Rodriguez, City Attorney